

USSN: 09/646,553

Further Reply to the Final Rejection Dated April 26, 2004

Amendment dated December 8, 2004

**Remarks/Arguments**

Claims 1-4, 6 and 15-23 were pending in the application. Claims 3 and 15 have been canceled without prejudice or disclaimer, claims 1, 16, and 23 have been amended, and new claims 24-29 have been added. No new matter has been added. Accordingly, claims 1-2, 4, 16-29 are pending.

**Claim Rejections under § 103(a) over Muryama in view of Feret**

The Examiner rejected claims 1-3, 6, 15, 16, and 21-23 as being obvious over Murayama in view of Feret.

In response, applicants have amended independent claims 1 and 23 to explicitly describe the elastic textile sheet layer as being embossed. This limitation is supported by the disclosure at page 8, 1st paragraph of the specification. Claims 2, 6, 16, and 21-22 are either directly dependent or indirectly dependent on claim 1.

It is respectfully suggested that neither Muryama nor Feret, taken individually or in combination, teach or suggest a filmed laminate wherein the textile sheet layer is embossed.

It is further indicated that neither Muryama and/or Feret teach or suggest the use of metallocene-catalyzed polymers. Because metallocene catalyzed polymers possess

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structures and properties distinct from polymers prepared by other means, the laminates prepared using this class of polymers is patentably distinct from the references.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

Claim Rejections Under § 103(a) over Murayama in view of Feret and in view of Haffner

The Examiner rejected claim 4 as being obvious over Murayama in view of Feret and in view of Haffner.

Applicants assert that Murayama in view of Feret and in view of Haffner neither teach nor suggest the claimed invention for reasons described above. Haffner does not make up the deficiencies of the other two references because Haffner neither teaches nor suggests a filmed laminate wherein the textile sheet layer is embossed. Claim 4 is dependent on claim 1.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

Claim Rejections under § 103(a) over Murayama in view of Feret and in view of Masatoshi

The Examiner rejected claims 17-20 as being obvious in view of Murayama in view of Feret and in view of Masatoshi.

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In response, applicants assert that Muryama in view of Feret and in view of Masatoshi neither teach nor suggest the claimed invention for reasons described above. Masatoshi does not make up the deficiencies of the other two references because Masatoshi neither teaches nor suggests a filmed laminate wherein the textile sheet layer is embossed. Claims 17-20 are either directly or indirectly dependent on claim 1.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

#### **CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

#### **ADDITIONAL FEES**

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263

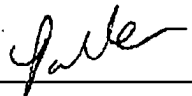
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Respectfully Submitted,

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